REMARKS

Claims 1-7 have now been canceled and replaced by new claims 8-12. The new claims are supported in the specification in the paragraph bridging page 1 and 2 and the examples on pages 5-9, as well as most of the remainder of the specification.

Claims 1-7 have been rejected under 35 U.S.C., second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is believed that all the specific objections to claims expressed on pages 2 and 3 of the Office Action are not applicable to new claims 8-12. It is respectfully requested, therefore, that the rejection be withdrawn.

Claims 1-5 and 7 have been rejected under 35 U.S.C. 102(b) as being anticipated by Tamarkin ('669), who discloses compositions for the treatment of dermatological disorders comprising a mono- or diester of an α, ω-dicarboxylic acid, e.g. azelaic acid, wherein the alcohol moiety of the ester comprises a keratolytically active alcohol such as ethyl salicylate, in a composition with polyethylene glycol (PEG) and a solvent such as ethanol (Examples 5, 7, 8 and 11). Tamarkin also discloses for comparison purposes in Example 7 a composition comprising 11% salicylic acid and PEG plus azelaic acid and ethanol.

With regard to the compositions disclosed by Tamarkin and included within the claimed invention, none of these contains salicylic acid, phenol or resorcinol and therefore cannot anticipate applicants' new claims 8-12 reciting compositions which must contain one of these compounds.

Regarding composition (2) of Example 7 of Tamarkin comprising azelaic acid, salicylic acid, and PEG, such composition is disclosed for comparison purposes only and is stated to have an irritation reaction when applied to skin. Moreover, applicants' claims must be held to exclude azelaic acid in view of the substantial differences in structure and function between azelaic acid and any of the components of applicants' compositions. It should also be noted that the percent PEG in composition (2) is calculated to be 40.75% by weight which is outside the range of percent PEG recited in new claims 9-12. It is submitted therefore, that nothing in the disclosure of Tamarkin anticipates any of applicants' new claims and the rejection under 35 U.S.C. 102(b) based on this reference should be withdrawn.

Claims 1-7 have been rejected under 35 U.S.C. 102(b) as being anticipated by Reever et al. who disclose for transdermal drug delivery a mixture of an organic polysaccharide gum, polyethylene glycol, and a hydroxybenzoic acid such as salicylic acid. Mixtures containing varying amounts of salicylic acid are disclosed in the reference.

A polysaccharide such as sterculia gum is a necessary component of the compositions of Reever et al. and is added because of its ability, when compounded with PEG to form a gel having adhesive properties for adhesion to the skin and as being sufficiently pliant to conform to the shape of body contours. This adhesive property must be sufficiently long term to provide time for a treating agent such as salicylic acid to exert a medicinal effect, e.g. up to 12 weeks for the treatment of warts; see Fig. 1 of Reever et al. In contrast, applicants' chemically peeling agent acts in the relatively short term, e.g. 3 to 20 minutes; see page 5, line 11of the applicants' specification. Thus, the function of the polysaccharide gum is entirely different from that of applicants' chemically peeling agent compositions and is contraindicated as a component of such compositions. It is submitted, therefore, that the polysaccharide gum necessary in the compositions of Reever et al. are excluded from applicants claims and that the rejection based on anticipation by this reference is not well taken and should be withdrawn.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reever et al. (EP 196,632) and Tamarkin ('669) in combination. The disclosures of these references have been described previously. It is submitted that a person having ordinary skill in the art would not be led to combine these disclosures so as to arrive at the compositions claimed in the instant application. Thus, as explained previously, all the specific compositions of both Tamarkin and Reever et al. are

excluded by all the claims in the application. Moreover, there are substantial differences between the compositions disclosed by the two references, with only PEG being present in both compositions. With regard to the other components of the compositions, Tamarkin requires a dicarboxylic acid ester which is not contemplated by Reever et al., while Reever et al. requires a hydroxybenzoic acid and sterculia gum which are not contemplated by Tamarkin. Moreover, the fact that the compositions of both references are intended to treat skin conditions is not sufficient to cause the skilled person to combine their teachings so as to arrive at the compositions covered by the claims of the instant application. This rejection is therefore not supported by the disclosures of the references and should be withdrawn.

This application is now thought to be in condition for allowance, and such action at an early date is earnestly solicited.

Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of $110.00 for the extension of time to Deposit Account No. 10-1250.

Respectfully submitted,

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